
HOUSE BILL 2597

State of Washington 57th Legislature 2002 Regular Session

By Representatives Conway, Wood and McIntire

Read first time 01/22/2002. Referred to Committee on State Government.

1 AN ACT Relating to the selection of responsible contractors bidding
2 on public works; and adding a new chapter to Title 39 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The purpose of this chapter is to allow all
5 state or local governmental entities that award contracts for publicly
6 funded projects to select contractors by the lowest responsible bidder
7 method.

8 NEW SECTION. **Sec. 2.** (1) A state or local governmental entity
9 that awards contracts for publicly funded projects must examine all
10 bids to determine which contractors are the lowest responsible bidders.

11 (2) The governmental entity must make an affirmative determination
12 of responsibility.

13 NEW SECTION. **Sec. 3.** In determining lowest responsible bidder, in
14 addition to price, the governmental entity awarding the contract must
15 consider the following elements:

16 (1) The ability, capacity, and skill of the bidder to perform the
17 contract or provide the service required;

- 1 (2) The reputation and experience of the bidder;
- 2 (3) Whether the bidder has demonstrated the ability to perform the
3 contract within the time specified;
- 4 (4) The quality of performance of previous contracts or services by
5 the bidder;
- 6 (5) The previous and existing compliance by the bidder with laws
7 relating to the contract or services.

8 NEW SECTION. **Sec. 4.** Governmental entities may create their own
9 questionnaire, or may use a questionnaire created by the Washington
10 state department of general administration or the superintendent of
11 public instruction to determine compliance with section 3 of this act.

12 NEW SECTION. **Sec. 5.** (1) The apparent low bidder must supply the
13 requested information within two business days of the bid opening.
14 Failure to submit the information within the time provided will render
15 the bid nonresponsible. If the information that is provided is false
16 on a material point, then the bid will be deemed nonresponsible.

17 (2) All information submitted on the questionnaire is subject to
18 public inspection.

19 NEW SECTION. **Sec. 6.** If the apparent low bidder is deemed not
20 responsible, the governmental entity shall notify the bidder in
21 writing. Within three days of receipt of such notification, the bidder
22 may withdraw its bid or request a hearing. A hearing must be scheduled
23 within three days of a bidder's request. Hearing participants shall
24 include a representative of the jurisdiction awarding the contract and
25 a representative of the contractor and may include any interested
26 parties as defined in RCW 39.12.010. A final determination shall be
27 issued after reviewing information presented at the hearing. Both the
28 governmental entity and the entity's contracting officer are immune
29 from any suit or litigation brought on behalf of a bidder found not to
30 be responsible.

31 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
32 a new chapter in Title 39 RCW.

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